

**LFC Requester:**

Connor Jorgensen

**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**      X   **Amendment**            
**Correction**           **Substitute**          

**Date** February 4, 2016

**Bill No:** SB 261

**Sponsor:** Senator Lee Cotter

**Agency Code:** 305

**Short**    Release of Bank

**Person Writing**    Jennifer Salazar, AAG

**Title:**    Records by Candidates

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

**Synopsis:**

Senate Bill 261 amends Section 1-19-34 of the Campaign Reporting Act ("Act"), NMSA 1978, §§ 1-19-25 through -36. Specifically, SB 261 requires that each candidate/political committee file a letter authorizing the bank at which a campaign bank account is established, to release of information concerning that account to the Office of the Secretary of State ("SOS"). If there is a suspected violation of the Act which requires a review of the campaign bank account, the SOS must notify the candidate/political committee in writing at least ten days before the account is accessed. The SOS's review of the account "shall" be limited to a review of the information specified in the notification provided to the candidate/political committee.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

It is not clear who determines when there is a "suspected" violation of the Act. Is it the Secretary of State? Or, perhaps the attorney general and/or the appropriate district attorney who have authority to enforce the Act under Section 1-19-34?

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

Under Section 1(F) of the Bill, it may be necessary to insert language requiring the SOS to promptly report any violation of the Act, found after a review of a candidate/political committee's campaign bank account, to the attorney general and/or appropriate district attorney for enforcement.

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

N/A